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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,155	05/16/2005	Young-Jun Kim	1981.01	5767
29338	7590	10/10/2006		
PARK LAW FIRM 3255 WILSHIRE BLVD SUITE 1110 LOS ANGELES, CA 90010			EXAMINER HAWK, NOAH CHANDLER	
			ART UNIT	PAPER NUMBER
			3636	

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/535,155	Applicant(s) KIM, YOUNG-JUN	
	Examiner Noah C. Hawk	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/16/05 10/2/06.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/16/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Preliminary Amendment to the claims dated 5/16/05 in which the applicant cancels Claims 1-4 and adds new claims 5-11 is acknowledged and has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 5-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foltis et al. in US Patent 3073327 in view of Okun in US Patent 2221288, Cheetham in US Patent 4700914. Foltis teaches an umbrella having a pole (5), an umbrella part (10) coupled to the pole and having a sliding member (14) and a lock (17) in a lower portion of the pole to lock or unlock the sliding member with a push button (15). Foltis further teaches an expansion part (2) provided at the second end of the pole, a second spring (20) installed in the pole to elastically support the push button and a third spring (9) connected to the sliding member to extend when the umbrella is closed and automatically open the umbrella when the button is pushed, but fails to teach a threaded first end of the pole or a foldable chair. Okun teaches an umbrella with a first end having a threaded part (52). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Foltis by using a first end with a threaded part

as taught by Okun in order to allow the user to install different ends according to the use of the device. Cheetham teaches a pole (2) having a chair part (1) with a handle () rotatably mounted to a second end of the pole via a hinge shaft (formed by pin 11) and locking means comprising a through hole (the end of tube 2) at the second end of the pole, a first spring (see Cheetham, Column 1, line 66: a spring loaded plunger), a locking rod (7), a rod support unit (8A) having a first rod hole (13A) and a second rod hole (5A) on the seat provided on the pole and the chair part thus keeping the chair in a sitting position or returning the chair part to an original position thereof. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Foltis, as modified, by adding a chair having a locking means as taught by Cheetham in order to provide the user an alternate, stowable bottom support for the umbrella. Foltis, as modified, fails to teach a *wedge shaped support ()* on the locking rod. Champigny teaches a locking rod (17') with a wedge-shaped support (19', insofar as the applicant discloses a wedge shaped support). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Foltis, as modified by adding a wedge-shaped support to the locking rod, as taught by Champigny, in order to provide further retaining means for the rod in the end of the pole.

Conclusion


4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Spitzke teaches a cane with a seat. Blum and Beaumont teach umbrellas with seats. Yasuda and Militano teach self-opening umbrellas.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Noah C. Hawk whose telephone number is 571-272-1480. The examiner can normally be reached on M-F 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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9/25/06


Peter M. Cuomo
Supervisory Patent Examiner
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